

**TOWN OF FREDERICK, COLORADO**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE  
TOWN OF FREDERICK FOR WESLTERVELT PROPERTY, UPON THE  
PETITION OF THE OWNER THEREOF, FROM PUD TO B-LI AND C-E.**

**WHEREAS**, a request for amendments to the Official Zoning Map of the Town of Frederick have been filed by Wallace H. Grant and Wallspring, LLC, and WH Grant Enterprises, LLC, for the designation of B-LI and C-E zoning for the Westervelt Property more particularly described in Exhibit A attached to this Ordinance; and

**WHEREAS**, the zoning of land is governed by the *Frederick Land Use Code*; and

**WHEREAS**, by Resolution No. PCR 09-06A, the Frederick Planning Commission made certain findings favorable to the requested Official Zoning Map amendment; and

**WHEREAS**, a public hearing was held on said request on May 26, 2009; and

**WHEREAS**, by Resolution No. 09-R-\_\_\_\_, the Board of Trustees has made certain findings favorable to be requested Official Zoning Map amendment; and

**WHEREAS**, it is the opinion of the Board of Trustees that it is desirable and necessary that the designated land use for the described real property be **B-LI** and **C-E** for uses in accordance with Section 3.4, of the *Frederick Land Use Code*; and

**WHEREAS**, it is the opinion of the Board of Trustees that it is desirable and necessary that the updated zoning map shown in Exhibit B be used as the Official Zone District Map for the Town of Frederick.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF FREDERICK, WELD COUNTY, COLORADO, THAT;**

**Section 1.** The land uses for the described properties in Exhibit A are hereby designated B-LI and C-E. All activities conducted on the site shall be in conformance with the *Frederick Land Use Code*, as though the same were set forth in full.

**Section 2.** The official Zoning District Map entitled Zoning District Map, Town of Frederick as adopted by Section 3.2 of the *Frederick Land Use Code*, and as subsequently amended, shall be amended by the designation of the property described in Exhibit A as B-LI and C-E.

**Section 3.** The Town shall provide for an amendment to the existing Official Zoning Map as provided by Section 3.2 of the *Frederick Land Use Code*.

**Section 4. Effective date.** This ordinance shall be published and become effective as provided by law.

**Section 5. Severability.** If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

**Section 6. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED**  
**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk

\_\_\_\_\_  
Eric E. Doering, Mayor

EXHIBIT A  
WESTERVELT PROPERTY  
ZONING DISTRICTS LEGAL DESCRIPTIONS

B-LI ZONE DISTRICT  
**LEGAL DESCRIPTION**  
**WESTERVELT, TRACT B – ZONE BLI**

A PORTION OF LOT B, RECORDED EXEMPTION NO 1313-26-4-RE506 RECORDED MAY 3, 1985 IN BOOK 1067 ON FILE 1897 AS RECEPTION NUMBER 02008233 OF THE RECORDS OF WELD COUNTY COLORADO AND A PORTION OF THE SE1/4 OF SECTION 26, T2N, R68W OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF SAID SECTION 26 FROM WHICH THE S1/4 CORNER OF SAID SECTION 26 BEARS, S89°36'09"W, (BASIS OF BEARING), THENCE S89°36'09"W, 1050.96 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING S89°36'09"W, 853.74 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 26 TO THE EAST BANK OF THE GOODING HOLLOW DITCH AND THE EAST LINE OF SAID LOT B, RECORDED EXEMPTION NO 1313-26-4-RE506;

THENCE N23°06'27"W, 1370.86 FEET ALONG THE SAID EAST BANK OF THE GOODING HOLLOW DITCH AND THE EAST LINE OF SAID LOT B TO THE NORTHWEST CORNER OF SAID LOT B;

THENCE CONTINUING N23°06'27"W, 86.43 FEET ALONG THE SAID EAST BANK OF THE GOODING HOLLOW DITCH;

THENCE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ALONG THE SAID EAST BANK OF THE GOODING HOLLOW DITCH:

THENCE N08°55'29"W, 619.26 FEET;

THENCE N14°36'51"W, 137.29 FEET;

THENCE N45°17'38"E, 201.52 FEET;

THENCE N60°41'11"E, 238.78 FEET;

THENCE N16°40'42"E, 229.04 FEET;

THENCE N32°34'08"W, 97.09 FEET;

THENCE N52°15'31"W, 71.38 FEET TO THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE N89°05'15"E, 1147.74 FEET ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE S00°09'20"W, 391.73 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE 133.46 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°38'48", AND BEING SUBTENDED BY A CHORD THAT BEARS S03°40'04"E, 133.36 FEET;

THENCE S07°29'28"E, 567.66 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE 123.82 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°05'40", AND BEING SUBTENDED BY A CHORD THAT BEARS S03°56'38"E, 123.74 FEET;

THENCE S00°23'48"E, 1489.88 FEET TO THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 26 AND THE **TRUE POINT OF BEGINNING**.

AREA = 76.201 ACRES, MORE OR LESS.

And;

### C-E ZONE DISTRICT

### **LEGAL DESCRIPTION WESTERVELT, TRACT A – ZONE C-E**

A PORTION OF LOT B, RECORDED EXEMPTION NO 1313-26-4-RE506 RECORDED MAY 3, 1985 IN BOOK 1067 ON FILE 1897 AS RECEPTION NUMBER 02008233 OF THE RECORDS OF WELD COUNTY COLORADO AND A PORTION OF THE SE1/4 OF SECTION 26, T2N, R68W OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHEAST CORNER OF SAID SECTION 26 FROM WHICH THE S1/4 CORNER OF SAID SECTION 26 BEARS, S89°36'09"W, (BASIS OF BEARING);

THENCE S89°36'09"W, 1050.96 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE N00°23'48"W, 1489.88 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE 123.82 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°05'40", AND BEING SUBTENDED BY A CHORD THAT BEARS N03°56'38"W, 123.74 FEET;

THENCE N07°29'28"W, 567.66 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE 133.46 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°38'48", AND BEING SUBTENDED BY A CHORD THAT BEARS N03°40'04"W, 133.36 FEET;

THENCE N00°09'20"E, 391.73 FEET THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE N89°05'15"E, 427.07 FEET ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26 TO THE CENTERLINE OF THE LOWER BOULDER DITCH AND THE WESTERLY LINE OF THAT WARRANTY DEED GRANTED TO JEFFERY N. GREENLEE AND KATHRYN A. WRIGHT RECORDED JULY 06, 1999 AS RECEPTION NUMBER 2704280 OF THE RECORDS OF WELD COUNTY COLORADO;

THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG THE SAID CENTERLINE OF THE LOWER BOULDER DITCH AND THE WESTERLY LINE OF SAID RECEPTION NUMBER 2704280:

THENCE S10°48'42"E, 109.99 FEET;

THENCE S41°40'36"E, 231.70 FEET;

THENCE S36°37'01"E, 745.49 FEET;

THENCE S73°54'50"E, 113.78 FEET TO THE EAST LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE S00°08'33"W, 513.70 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 26 TO THE NORTH LINE OF LOT A, SAID EXEMPTION NO 1313-26-4-RE506;

THENCE S89°20'31"W, 278.65 FEET ALONG THE NORTH LINE OF SAID LOT A TO THE NORTHWEST CORNER THEREOF;

THENCE S02°49'55"E, 184.07 FEET ALONG THE WEST LINE OF SAID LOT A TO THE SOUTHWEST CORNER THEREOF;

THENCE N89°12'54"E, 269.11 FEET ALONG THE SOUTH LINE OF SAID LOT A TO THE EAST LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE S00°08'33"W, 1092.40 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 26 TO THE SOUTHEAST CORNER OF SAID SECTION 26 AND THE **POINT OF BEGINNING**.

AREA = 57.511 ACRES, MORE OR LESS.